

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WILHELM,

Plaintiff,

v.

SANDAR AUNG,

Defendant.

No. 2:23-cv-00573-CKD

ORDER

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Also pending before the court is plaintiff's motion for clarification. ECF No. 8. A review of the docket in this matter indicates that plaintiff has another civil action pending in Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.), in which he was ordered to file a complaint within 30 days of the court's April 3, 2023 order. See ECF No. 4. It appears to the court that plaintiff's complaint was opened as a new civil action in this case due to a clerical error. Therefore, the undersigned finds that plaintiff's complaint should have been filed in his earlier civil rights action in Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for clarification (ECF No. 8) is granted to the extent that his complaint will be ordered filed in his earlier action of Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.). Plaintiff is directed to use this case number for all

1 future filings.

2 2. The Clerk of Court is directed to file a copy of plaintiff's complaint in Wilhelm v.
3 Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.), his earlier filed civil rights action.
4 3. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is denied as moot.
5 4. The instant action is closed as it was opened in error.

6 Dated: June 12, 2023

Caryn K. Delaney

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8 CAROLYN K. DELANEY
9 UNITED STATES MAGISTRATE JUDGE
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